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OSMM&N File No. 215544US2

Serial No. 09/986,004

In the matter of the Application of: Takuji MATSUMOTO, et al.

For: SEMICONDUCTOR DEVICE AND METHOD OF MANUFACTURING THE SAME

Dept.: E/M

By: GJM/SNS/KDP/rcs

Due Date: N/A

The following has been received in the U.S. Patent Office on the date stamped hereon:

- Dep. Acct. Order Form
- Copy of IDS previously filed January 15, 2004 (including Date-Stamped Filing Receipt, IDS Transmittal, PTO-1449, KOREAN Office Action and Cited References (4))
- Copy of IDS previously filed April 19, 2004 (including Date-Stamped Filing Receipt, IDS Transmittal, PTO-1499, CHINESE Office Action and Cited References (1))
- Petition under 37 C.F.R. § 1.181

I:\ATTY\KDP\21'S\215544US\215544US FILING RECEIPT.DOC





Docket No.: 215544US2

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

OBLON
SPIVAK
McCLELLAND
MAIER
&
NEUSTADT
P.C.

ATTORNEYS AT LAW

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KATHERINE D. PAULEY
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RE: Application Serial No.: 09/986,004

Applicants: Takuji MATSUMOTO, et al.

Filing Date: November 7, 2001

For: SEMICONDUCTOR DEVICE AND METHOD OF
MANUFACTURING THE SAME

Group Art Unit: 2826

Examiner: Sefer, Ahmed N

SIR:

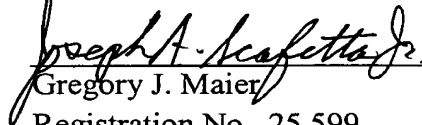
Attached hereto for filing are the following papers:

**PETITION UNDER 37 C.F.R. § 1.181, COPIES OF PREVIOUSLY FILED INFORMATION
DISCLOSURE STATEMENTS (INCLUDING DATE STAMPED FILING RECEIPT, IDS
TRANSMITTAL AND PTO FORM 1449) DATED JANUARY 15, 2004 AND APRIL 19, 2004**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


Gregory J. Maier

Registration No. 25,599

Joseph A. Scafetta, Jr.

Registration No. 26, 803

Surinder Sachar

Registration No. 34,423

Customer Number

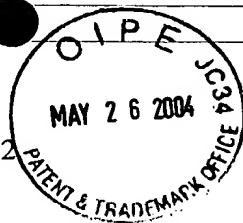
22850

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I:\ATTY\KDP\21'S\215544US\215544US PTO CVR LTR.DOC

DOCKET NO: 215544US2



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
TAKUJI MATSUMOTO, ET AL. : EXAMINER: SEFER, AHMED N
SERIAL NO: 09/986,004 :
FILED: NOVEMBER 7, 2001 : GROUP ART UNIT: 2826
FOR: SEMICONDUCTOR DEVICE AND :
METHOD OF MANUFACTURING THE
SAME

PETITION UNDER 37 C.F.R. § 1.181

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants herein petition the Commissioner to invoke his supervisory authority to require the examiner to consider the references cited in the Information Disclosure Statements filed on January 15, 2004 and April 19, 2004.

The Information Disclosure Statements in conformity with the requirements of 37 C.F.R. § 1.97-1.98 were filed on January 15, 2004 and April 19, 2004. Copies of both Information Disclosure Statements as previously filed are enclosed herewith. The above-referenced application has now been allowed. The references in the Information Disclosure Statements were never acknowledged or made of record by the examiner.

Although Applicants do not believe that any fee is required for the present petition,

any required fee should be charged the undersigned attorneys account no. 15-0030.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

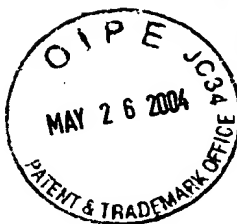


Gregory J. Maier
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Surinder Sachar
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Attorneys of Record
Joseph A. Scafetta, Jr.
Registration No. 26, 803

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(OSMMN 08/03)

I:\ATTY\KDP\21'S\215544US\215544 1.181.DOC



OSMM&N File No. 215544US2

Serial No. 09/986,004

In the matter of the Application of: Takuji MATSUMOTO, et al.

For: SEMICONDUCTOR DEVICE AND METHOD OF MANUFACTURING THE SAME

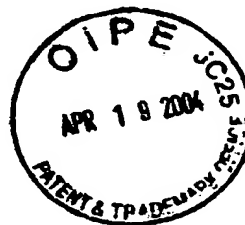
Dept.: E/M

By: GJM/SNS/KDP/rcs

Due Date: April 19, 2004

The following has been received in the U.S. Patent Office on the date stamped hereon:

- Dep. Acct. Order Form
- PTO-1449
- Information Disclosure Statement
- CHINESE Office Action
- Cited References (1)
- Credit Card Form for \$180.00



I:\ATTY\KDP\21'S\215544US\215544US FILING RECEIPT 4.14.04.DOC

Docket No. 215544062

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Takuji MATSUMOTO, et al.

SERIAL NO: 09/986,004

GAU: 2826

FILED: November 7, 2001

EXAMINER: Sefer, Ahmed N

FOR: SEMICONDUCTOR DEVICE AND METHOD OF MANUFACTURING THE SAME

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicant(s) wish to disclose the following information.

REFERENCES

- ☒ The applicant(s) wish to make of record the reference listed on the attached Chinese Office Action dated March 5, 2004, and on the attached form PTO-1449. A copy of the listed reference is attached.
- ☒ A check or credit card payment form is attached in the amount required under 37 CFR §1.17(p).

RELATED CASES

- ☐ Attached is a list of applicant's pending application(s) or issued patent(s) which may be related to the present application. A copy of the patent(s), together with a copy of the claims and drawings of the pending application(s) is attached along with PTO 1449.
- ☐ A check or credit card payment form is attached in the amount required under 37 CFR §1.17(p).

CERTIFICATION

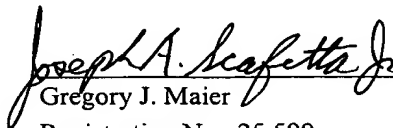
- ☒ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this statement.

DEPOSIT ACCOUNT

- ☒ Please charge any additional fees for the papers being filed herewith and for which no check or credit card payment is enclosed herewith, or credit any overpayment to deposit account number 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


Gregory J. Maier

Registration No. 25,599

Joseph A. Scafetta, Jr.
Registration No. 26, 803
Surinder Sachar

Registration No. 34,423

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(OSMMN 05/03)

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Linked to OPTMS

DATE

CASE ID

MAY 26 2004

SHEET 1 OF 1

Form PTO 1449
(Modified)U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.

215544US2

SERIAL NO.

09/986,004

LIST OF REFERENCES CITED BY APPLICANT

APPLICANT

Takuji MATSUMOTO, et al.

FILING DATE

November 7, 2001

GROUP

2826

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA	5,767,549	06/16/98	Chen et al.			
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
	AL						
	AM						
	AN						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION	
					YES	NO
	AO					
	AP					
	AQ					
	AR					
	AS					
	AT					
	AU					
	AV					

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)

	AW	
	AX	
	AY	
	AZ	<input type="checkbox"/> Additional References sheet(s) attached

Examiner Sefer, Ahmed N

Date Considered

*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

回函请寄：100088 北京市海淀区蓟门桥西土城路 6 号 国家知识产权局专利局受理处收
2206 2001.7 (注：凡寄给审查员个人的信函不具有法律效力)

☒关于权利要求书:

- ☐权利要求 _____ 不具备专利法第 22 条第 2 款规定的新颖性。
☐权利要求 _____ 不具备专利法第 22 条第 3 款规定的创造性。
☐权利要求 _____ 不具备专利法第 22 条第 4 款规定的实用性。
☐权利要求 _____ 属于专利法第 25 条规定的不授予专利权的范围。
☐权利要求 _____ 不符合专利法第 26 条第 4 款的规定。
☒权利要求 1、12 不符合专利法第 31 条第 1 款的规定。
☐权利要求 _____ 的修改不符合专利法第 33 条的规定。
☐权利要求 _____ 不符合实施细则第 2 条第 1 款关于发明的定义。
☐权利要求 _____ 不符合专利法实施细则第 13 条第 1 款的规定。
☒权利要求 2、7 不符合专利法实施细则第 20 条至第 23 条的规定。

☐

上述结论性意见的具体分析见本通知书的正文部分。

5. 基于上述结论性意见, 审查员认为:

- ☒申请人应按照通知书正文部分提出的要求, 对申请文件进行修改。
☐申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。
☐专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其申请将被驳回。

☐

6. 申请人应注意下述事项:

- (1) 根据专利法第 37 条的规定, 申请人应在收到本通知书之日起的贰个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。
(2) 申请人对其申请的修改应符合专利法第 33 条和实施细则第 51 条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。
(3) 申请人的意见陈述书和/或修改文本应邮寄或递交国家知识产权局专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。
(4) 未经预约, 申请人和/或代理人不得前来国家知识产权局专利局与审查员举行会晤。

7. 本通知书正文部分共有 1 页, 并附有下列附件:

- ☒引用的对比文件的复印件共 1 份 18 页。 ☐

第二次审查意见通知书正文

1 申请人于 2004 年 1 月 29 日提交了意见陈述书和经过修改的申请文件，审查员在阅读了上述文件后，对本案继续审查，再次提出如下审查意见：


2 权利要求 1 与权利要求 12 相对于对比文件 3（全文）不具备相同或相应的特定技术特征，不具备单一性，不符合专利法第三十一条第一款的规定。

3 权利要求 2 中的“与上述栅长方向相反的栅宽方向上”造成不清，不符合专利法实施细则第二十条第一款有关的规定。

4 权利要求 7 中的“第 1 导电型的元件形成区体外区、部分绝缘膜下半导体区具有第 2 导电型”与说明书中记载的不一致，造成不清，不符合专利法实施细则第二十条第一款有关的规定。

5 应对说明书的发明内容部分做适应性修改。

6 基于上述理由，申请人应当重新提交修改文件，克服所存在的缺陷。对申请文件的修改应当符合专利法第三十三条的规定，不得超出原说明书和权利要求书记载的范围。如果申请人在指定的期限内未能有克服上述缺陷，本申请将被驳回。


OSMM&N File No. 215544US2
Serial No. 09/986,004

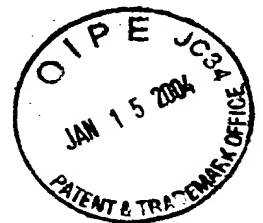
Dept.: IP-I
By: MJS/hc

In the matter of the Application of: Takuji MATSUMOTO, et al.
For: SEMICONDUCTOR DEVICE AND METHOD OF MANUFACTURING THE
SAME

Due Date: 01-26-04

The following has been received in the U.S. Patent Office on the date stamped hereon:

- Dep. Acct. Order Form
- Information Disclosure Statement
- Cited References (4)
- KOREAN Office Action
- PTO-1449



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Takuji MATSUMOTO, et al.

SERIAL NO: 09/986,004

GAU: 2826

FILED: November 7, 2001

EXAMINER: AHMED N. SEFER

RCE FILED: September 23, 2003

FOR: SEMICONDUCTOR DEVICE AND METHOD OF MANUFACTURING THE SAME

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicant(s) wish to disclose the following information.

REFERENCES

- ☒ The applicant(s) wish to make of record the references cited in the attached Korean Office Action listed on the attached form PTO-1449. Copies of the listed references are attached, where required, as are either statements of relevancy or any readily available English translations of pertinent portions of any non-English language references.
- ☐ A check or credit card payment form is attached in the amount required under 37 CFR §1.17(p).

RELATED CASES

- ☐ Attached is a list of applicant's pending application(s) or issued patent(s) which may be related to the present application. A copy of the patent(s), together with a copy of the claims and drawings of the pending application(s) is attached along with PTO 1449.
- ☐ A check or credit card payment form is attached in the amount required under 37 CFR §1.17(p).

CERTIFICATION

- ☐ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this statement.

DEPOSIT ACCOUNT

- ☒ Please charge any additional fees for the papers being filed herewith and for which no check or credit card payment is enclosed herewith, or credit any overpayment to deposit account number 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


Marvin J. Spivak

Registration No. 24,913

Joseph A. Scafetta, Jr.
Registration No. 26, 803

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22850

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(OSMMN 05/03)

Form PTO 1449
(Modified)U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.

215544US2

SERIAL NO.

09/986,004

LIST OF REFERENCES CITED BY APPLICANT

APPLICANT

Takuji MATSUMOTO, et al.

FILING DATE

November 7, 2001

RCE Filed: September 23, 2003

GROUP

2826

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
	AL						
	AM						
	AN						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION	
					YES	NO
	AO	2000-48319	07/25/2000	KOREA (corr. JP 2000-243973, copy filed on November 7, 2001)		X
	AP	2000-47907	07/25/2000	KOREA (with corr. JP 2000-174283)		X
	AQ	2000-174283	06/23/2000	JAPAN (with English Abstract)		X
	AR	1999-76552	10/15/1999	KOREA (corr. JP 11-340472, copy filed on February 3, 2003)		X
	AS					
	AT					
	AU					
	AV					

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)

	AW	
	AX	
	AY	
	AZ	<input type="checkbox"/> Additional References sheet(s) attached

Examiner

Date Considered

*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FILED BY IDS
26922 01-15-09

출력 일자: 2003/12/1

발송번호 : 9-5-2003-047239217

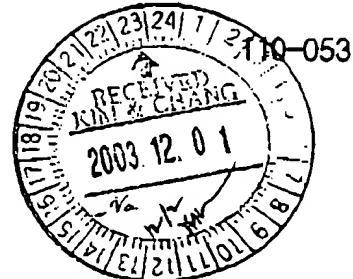
발송일자 : 2003.11.28

제출기일 : 2004.01.28

수신 : 서울 종로구 내자동 219 한누리빌딩(김&

장 특허법률사무소)

장수길 귀하



특허청 의견제출통지서

출원인 명칭 미쓰비시덴키 가부시키가이샤 (출원인코드: 519980960919)
주소 일본국 도쿄도 지요다구 마루노우치 2초메 2반 3고

대리인 성명 장수길 외 1명
주소 서울 종로구 내자동 219 한누리빌딩(김&장 특허법률사무소)

출원번호 10-2001-0070995

발명의 명칭 반도체 장치 및 그 제조 방법

이 출원에 대한 심사결과 아래와 같은 거절이유가 있어 특허법 제63조의 규정에 의하여 이를 용지하오니 의견이 있거나 보정이 필요할 경우에는 상기 제출기일까지 의견서[특허법시행규칙 별지 제25호의2서식] 또는/및 보정서[특허법시행규칙 별지 제5호서식]를 제출하여 주시기 바랍니다.(상기 제출기일에 대하여 애초 1월 단위로 연장을 신청할 수 있으며, 이 신청에 대하여 별도의 기간연장승인 통지는 하지 않습니다.)

[이유]

이 출원의 특허청구범위 제1항 내지 제3항에 기재된 발명은 그 출원전에 이 발명이 속하는 기술분야에서 종상의 지식을 가진 자가 아래에 지적한 것에 의하여 용이하게 발명할 수 있는 것이므로 특허법 제29조제2항의 규정에 의하여 특허를 받을 수 없습니다.

[아래]

1. 청구범위 제1항의 SOI 구조의 반도체 장치에 있어서 MOS 트랜지스터, 부론 분리 영역, SOI 층의 일부인 부론 절연막 아래의 반도체 영역, 제1도전형의 소스/드레인 영역, 게이트 전극, 제2도전형의 전위 고정 가능한 바디 영역을 포함하는 반도체 장치는 인용발명1(한국공개특허공보 2000-0048319호(2000.07.25))의 SOI 구조의 반도체 장치에 있어서 복수의 소자 형성 영역, 소자 분리 영역 아래의 반도체 영역, 바디 영역을 포함하는 반도체 장치 및 인용발명2(한국공개특허공보 2000-0047907호(2000.07.25))의 SOI 구조의 반도체 장치에 있어서 소자 분리 영역, 복수의 소자 형성 영역, 제2도전형의 소스/드레인 영역, 제1도전형의 반도체층 및 채널 영역을 포함하는 반도체 장치 등에서 용이하게 발명할 수 있는 것입니다.(특허법 제29조제2항)

2. 청구범위 제2항의 제1 및 제2 MOS 트랜지스터 사이에 있어서의 바디 영역의 구조, 게이트 전극의 구조 및 콘택 전극 고정 유무중 적어도 하나를 상이하게 하여 제1 및 제2 MOS 트랜지스터 특성을 상이하게 하는 것을 특징으로 하는 반도체 장치는 인용발명1의 제1 및 제2 MOS 트랜지스터를 포함하는 반도체 장치 및 인용발명3(한국공개특허공보 1999-76552호(1999.10.15))의 게이트 전극 구조의 변형 및 바디 영역의 구조 변형을 포함하는 SOI 구조의 트랜지스터를 갖는 반도체 장치 등에서 용이하게 발명할 수 있는 것입니다.(특허법 제29조제2항)

3. 청구범위 제3항의 SOI 구조의 반도체 장치에 있어서 제1 및 제2 소자 형성 영역, 부론 분리 영역, 완전 분리 영역, 제1 및 제2 MOS 트랜지스터는 상이한 트랜지스터 특성을 갖는 것을 특징으로 하는 반도체 장치는 인용발명2의 SOI 구조의 반도체 장치에 있어서 소자 분리 영역, 복수의 소자 형성 영역, 제1도전형의 반도체층, 제1도전형의 채널 영역, 제2도전형의 소스/드레인 영역을 포함하는 반도체 장치 및 인용발명3의 게이트 전극 구조의 변형 및 바디 영역의 구조 변형을 포함하는 SOI 구조의 트랜지스터를 갖는 반도체 장치 등에서 용이하게 발명할 수 있는 것입니다.(특허법 제29조제2항)

출력 일자: 2003/12/1

4. 청구범위 제2항의 "상기 제1 및 제2 MOS 트랜지스터 사이에 있어서의 바디 영역의 구조, 게이트 전극의 구조 - 트랜지스터 특성을 상이하게 하는 것을 특징으로 하는 반도체 장치"에서 특성을 상이하게 한다는 의미가 불명확하며, 그 발명이 상세한 설명에 의하여 뒷받침 되지 않을 뿐만 아니라 명확히 기재되어 있다고 볼 수 없습니다.(특허법 제42조제4항제1호 및 제2호)
5. 청구범위 제3항의 상이한 트랜지스터의 특성이 의미하는 바가 불명확하며, 그 발명이 상세한 설명에 의하여 뒷받침 되지 않을 뿐만 아니라 명확히 기재되어 있다고 볼 수 없습니다.(특허법 제42조제4항제1호 및 제2호)

[첨 부]

- 첨부 1 한국공개특허공보 2000-48319호(2000.07.25) 1부
 첨부2 한국공개특허공보 2000-47907호(2000.07.25) 1부
 첨부3 한국공개특허공보 1999-76552호(1999.10.15) 1부 끝.

2003.11.28

특허청

심사4국

반도체2심사담당관실

심사관 김근모



<<안내>>

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